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7 *Attorneys for Defendant POLYMER80, INC.*

8  
9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 GLOCK, INC. a Georgia corporation,

12 Plaintiff,

13 vs.

14 POLYMER80, INC., a Nevada  
15 corporation,

16 Defendant.

CASE NO.: 3:23-cv-00086

**MOTION TO WITHDRAW AS  
COUNSEL**

17  
18 COMES NOW ADAM R. FULTON, ESQ., and TOD R. DUBOW, ESQ. of the law  
19 firm of JENNINGS & FULTON, LTD., and pursuant to the Local Rules of Civil Practice  
20 for the United States District Court for the District of Nevada, LR IA 11-6(b), hereby moves  
21 this Honorable Court for an Order permitting counsel to withdraw as counsel for Defendant  
22 POLYMER80, INC.

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1 This Motion is made and based upon the Memorandum of Points and Authorities,  
2 the declaration of ADAM R. FULTON, ESQ. attached herein as (“Exhibit 1”), and the  
3 pleadings and papers on file with the Court.

4 DATED: December 14<sup>th</sup>, 2023

**JENNINGS & FULTON, LTD.**

6 By: /s/Adam R. Fulton, Esq.

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13 *Attorneys for Defendant*

14 *POLYMER80, INC.*

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**MEMORANDUM OF POINTS AND AUTHORITIES**

Local Rule of Civil Practice for the United States District Court for the District of Nevada (“Local Rule”) IA 11-6(b), states “[n]o attorney may withdraw after appearing in a case except by leave of the court after notice has been served on the affected client and opposing counsel.” Local Rule IA 11-6(e) further states, “Except for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in this case.”

Local Rule IA 11-7 dictates that an attorney must adhere to the standards of conduct prescribed by the Model Rules of Professional conduct as adopted and amended from time to time by the Supreme Court of Nevada. The Nevada Rules of Professional Conduct (“NRPC”) provide that counsel of record may withdraw when “[w]ithdrawal can be accomplished without material adverse effect on the interests of the client.” NRPC 1.16(b)(1). NRPC 1.16(b)(5) further states that an attorney may withdraw when “[t]he client fails to substantially fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.” Lastly, NRPC 1.16(b)(6) provides that a lawyer may withdraw if “The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client.”

Permitting Defendant’s counsel to withdraw would cause no material adverse effect upon Defendant in the present matter. No trial date has been set. There is a claim construction hearing set for February 22, 2024. Plaintiff has filed its opening brief and Defendant has filed its response. No further action is necessary from Defendant prior to the hearing. Discovery does not close until April 12, 2024.

Defendant's counsel should be permitted to withdraw because Defendant has been given reasonable warning that JENNINGS & FULTON, LTD. will be forced to withdraw unless Defendant continued to pay for legal services. Further, continued representation would cause an unreasonable financial burden upon JENNINGS & FULTON, LTD. There are additional reasons which cannot be disclosed due to attorney client privilege that also require counsel to withdraw from this matter. JENNINGS & FULTON informed client that because it is a corporation it must be represented by counsel or a default can occur. We request the Court set a deadline for defendant to obtain new counsel.

Based on the foregoing, the Court should grant the Motion and permit JENNINGS & FULTON, LTD. to withdraw as counsel of record for Defendant.

DATED: December 14<sup>th</sup>, 2023

**JENNINGS & FULTON, LTD.**

By: /s/Adam R. Fulton, Esq.

ADAM R. FULTON, ESQ.

Nevada Bar No. 11572

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*Attorneys for Defendant*

*POLYMER80, INC.*

EXHIBIT 1

**DECLARATION OF ADAM R. FULTON, ESQ. IN SUPPORT OF  
MOTION TO WITHDRAW AS ATTORNEYS OF RECORD**

I, ADAM R. FULTON, ESQ., being first duly sworn, deposes and says:

1. I am over 18 years of age and if called upon to testify, I could and would competently testify to the following facts as the same are personally known to me.

2. I am an attorney licensed to practice law in the State of Nevada and am a partner at the law firm of JENNINGS & FULTON, LTD. and counsel of record for Defendant Polymer80.

3. JENNINGS & FULTON, LTD. has been informed by the client that it cannot continue paying for legal services to date and there are additional reasons that cannot be specified, based on the attorney client privilege that prevents declarant from continuing the representation in this matter. The client has been given reasonable warning that JENNINGS & FULTON, LTD. will withdraw unless the obligation is fulfilled. JENNINGS & FULTON also informed client that because it is a corporation it must be represented by counsel or a default can occur.

4. Continued representation would cause an unreasonable financial burden upon JENNINGS & FULTON, LTD. as Defendant is unable to continue compensating my firm for its legal services.

5. I declare under penalty of perjury of the law of Nevada and the United States that the foregoing is true and correct.

Dated: December 14, 2023

/s/ Adam R. Fulton, Esq.  
ADAM R. FULTON, ESQ.

**CERTIFICATE OF SERVICE**

Pursuant to F.R.C.P. 5(b), I hereby certify that I am an employee of JENNINGS & FULTON, LTD., and that on the 13<sup>th</sup> day of December 2023, I caused a true and correct copy of the foregoing **MOTION TO WITHDRAW AS COUNSEL** to be served via the U.S. District Court, District of Nevada's CM/ECF electronic filing and service system, to:

Matthew D. Francis, Esq.  
Arthur A. Zorio, Esq.  
**BROWNSTEIN HYATT FARBER  
SCHRECK, LLP**  
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Eric G. Maurer, Esq. (GA Bar # 478199)  
(*pro hac vice to be submitted*)  
**PERILLA KNOX & HILDEBRANDT  
LLP**  
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*Attorneys for Plaintiff*  
**GLOCK, INC.**

*Attorneys for Plaintiff*  
**GLOCK, INC.**

John F. Renzulli, Esq. (NY Bar # 1931476)  
(*pro hac vice to be submitted*)  
Peter V. Malfa, Esq. (NY Bar # 5224720)  
(*pro hac vice to be submitted*)  
**RENZULLI LAW FIRM, LLP**  
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Email: pmalfa@renzullilaw.com

*Attorneys for Plaintiff*  
**GLOCK, INC.**

Pursuant to F.R.C.P. 5(b), I hereby certify that I am an employee of JENNINGS & FULTON, LTD., and that on the 14<sup>th</sup> day of December 2023, I caused a true and correct copy of the foregoing **MOTION TO WITHDRAW AS COUNSEL** to be served via U.S Mail and email to:

Polymer80, Inc.  
Attention: Loran Kelly, CEO, and Dan McCalmon Executive Vice President  
134 Lakes Blvd  
Dayton NV 89403  
[loran@polymer80.com](mailto:loran@polymer80.com) and [dan.mccalmon@polymer80.com](mailto:dan.mccalmon@polymer80.com)

/s/ Norma Richter  
An Employee of  
JENNINGS & FULTON, LTD.